

Senate Chamber, Atlanta, Georgia
Wednesday, March 1, 2006
Twenty-fifth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Thomas of the 54th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 343. By Representatives Borders of the 175th, Black of the 174th, Shaw of the 176th and Houston of the 170th:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to other state symbols, so as to designate the Valdosta State University's Peach State Summer Theatre as Georgia's Official Musical Theatre; to repeal conflicting laws; and for other purposes.

HB 513. By Representatives Scott of the 153rd and Day of the 163rd:

A BILL to be entitled an Act to amend Code Section 40-5-2 of the Official Code of Georgia Annotated, relating to keeping of records of applications for licenses and information on licensees and furnishing of information, so as to provide for furnishing of driver history information; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1126. By Representative Barnard of the 166th:

A BILL to be entitled an Act to amend Code Section 45-18-10 of the Official Code of Georgia Annotated, relating to the right of continuation of insurance benefits for former state employees, so as to provide an exemption from the eight-year service requirement for correctional officers injured by inmate violence when five years or less from becoming eligible for medicare medical coverage; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1217. By Representatives Murphy of the 23rd, Rice of the 51st, Talton of the 145th, Maxwell of the 17th and Dollar of the 45th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for parking permits for disabled persons; to provide for specifications for such parking permits; to require that the person with the disability be the operator of or a passenger in the vehicle when such permit is being used; to amend Part 2 of Article 10 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform rules of the road, so as to designate certain Code sections as reserved; to update cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1219. By Representatives Smith of the 70th, Freeman of the 140th, Maddox of the 172nd, Morris of the 155th, Reese of the 98th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, so as to provide for an exemption with respect to the sale of certain school supplies, clothing, footwear, computers, and computer related accessories for a limited period of time; to provide for an exemption from state sales and use tax only with respect to certain sales of certain energy efficient products for a limited period of time; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1272. By Representatives Graves of the 12th, Brown of the 69th, Ralston of the 7th, Channell of the 116th, Burmeister of the 119th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for an exemption regarding sales to nonprofit volunteer

health clinics; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1304. By Representatives Knox of the 24th, Brown of the 69th and Meadows of the 5th:

A BILL to be entitled an Act to amend Title 33 of the O.C.G.A., relating to insurance, so as to provide that neither the cash surrender values nor the proceeds of life insurance policies and annuity contracts shall be liable to attachment, garnishment, or legal process in favor of any creditor of the person for whose use or benefit the policy or contract was executed; to provide that the proceeds of life insurance policies that are payable to the insured's estate or executor, administrator, or assign shall become a part of the insured's estate to be administered as all other estate assets; to provide for the discharge from liability for any insurer for payments in accordance with such provisions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The House has adopted by the requisite constitutional majority the following Resolution of the House:

HR 1395. By Representatives Loudermilk of the 14th, Richardson of the 19th, Keen of the 179th, Porter of the 143rd, Hugley of the 133rd and others:

A RESOLUTION honoring the memory of Wiley T. Nixon and naming the Wiley T. Nixon Capitol Post Office in his honor; and for other purposes.

The House has passed by the requisite constitutional majority the following Bills of the Senate:

SB 496. By Senator Chapman of the 3rd:

A BILL to be entitled an Act to provide for a homestead exemption from Camden County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to allow such exemption to continue to be received by a child or unremarried surviving spouse of a deceased individual; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

SB 497. By Senator Chapman of the 3rd:

A BILL to be entitled an Act to provide for a homestead exemption from Camden County School District ad valorem taxes for educational purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to allow such exemption to continue to be received by a child or unremarried surviving spouse of a deceased individual; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The House has passed, by substitute, by the requisite constitutional majority the following Bill of the Senate:

SB 138. By Senators Stoner of the 6th, Rogers of the 21st, Hill of the 32nd and Wiles of the 37th:

A BILL to be entitled an Act to amend an Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951 (Ga. L. 1951, p. 497), as amended, particularly by an Act approved March 28, 1986 (Ga. L. 1986, p. 5296), an Act approved March 30, 1989 (Ga. L. 1989, p. 4711), and an Act approved April 5, 1995 (Ga. L. 1995, p. 4121), so as to change the membership, vacancy, and quorum provisions regarding the authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

The House has adopted by the requisite constitutional majority the following Resolution of the Senate:

SR 963. By Senators Bulloch of the 11th and Tolleson of the 20th:

A RESOLUTION commending the Georgia peanut industry and recognizing March 8, 2006, as Peanut Butter and Jelly Day at the Capitol; and for other purposes.

The following communication was received by the Secretary:

Senator Eric Johnson
District 1
321 State Capitol
Atlanta, GA 30334

Committees:

Appropriations
Ethics
Finance
Natural Resources and the Environment
Regulated Industries and Utilities
Rules

The State Senate
Atlanta, Georgia 30334

MEMORANDUM

TO: Mr. Bob Ewing
Secretary of the Senate

FROM: Senate Committee on Assignments

Subject: Ex-Officio Member for the Senate Science and Technology Committee

The Committee on Assignments has appointed the following ex-officio member to the Senate Science and Technology Committee to serve March 1st, 2006. The Senator appointed to serve as ex-officio member is:

Don Thomas of the 54th

The appointment is for this date only and this Senator should not be considered to be a member of the committee beyond this date.

Please contact us if you have further questions.

/s/ Eric Johnson

The following Senate legislation was introduced, read the first time and referred to committee:

SB 608. By Senator Douglas of the 17th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Social Circle in the County of Walton, approved May 5, 2005 (Ga. L. 2005, p. 3627); to provide for corrections; to provide for an oath, rules, and

procedures; to provide for rules and regulations; to provide for taxation, licenses, and fees; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 609. By Senator Douglas of the 17th:

A BILL to be entitled an Act to reincorporate and provide a new charter for the City of Hampton in Henry County, Georgia; to provide for boundaries and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for the office of mayor and certain duties and powers relative to the office of mayor; to provide for administrative responsibilities; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 610. By Senators Moody of the 56th, Balfour of the 9th, Starr of the 44th, Thomas of the 54th and Chance of the 16th:

A BILL to be entitled an Act to amend Code Section 20-2-2065 of the Official Code of Georgia Annotated, relating to waiver of provisions of Title 20 for charter schools, requirements for operating charter schools, and the control and management of charter schools, so as to provide that nothing shall preclude the use of computer and Internet based instruction for students in a virtual or remote setting; to provide for related matters; to repeal conflicting laws; and for other purposes

Referred to the Education and Youth Committee.

SB 611. By Senators Goggans of the 7th, Williams of the 19th, Schaefer of the 50th and Smith of the 52nd:

A BILL to be entitled an Act to amend Article 7A of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to the Long-term Care Partnership Program, so as to revise certain definitions; to provide for related

matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 612. By Senators Bulloch of the 11th, Goggans of the 7th, Williams of the 19th and Hooks of the 14th:

A BILL to be entitled an Act to amend Code Section 27-3-9 of the Official Code of Georgia Annotated, relating to the unlawful enticement of game, so as to change certain provisions relating to distributing or hunting in the vicinity of feeds; to provide for penalties; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SB 613. By Senators Bulloch of the 11th, Kemp of the 46th, Hudgens of the 47th, Tarver of the 22nd and Henson of the 41st:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 2 of the Official Code of Georgia Annotated, relating to farmers' markets, so as to change certain provisions relating to authority of the Commissioner of Agriculture to provide for safety and security at farmers' markets; to provide for law enforcement on the premises of farmer's markets; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

SB 614. By Senators Bulloch of the 11th, Balfour of the 9th, Hill of the 4th, Hooks of the 14th, Golden of the 8th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relative to health, so as to require notice, a hearing, and an opportunity to cure a violation by a vendor participating in the Women, Infants, and Children program; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 615. By Senator Goggans of the 7th:

A BILL to be entitled an Act to amend Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to the terms of superior courts, so as to change the term of court in Atkinson, Berrien, Clinch, Cook, and Lanier counties in the Alapaha Judicial Circuit; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 616. By Senators Wiles of the 37th, Hill of the 32nd, Stoner of the 6th, Thompson of the 33rd and Rogers of the 21st:

A BILL to be entitled an Act to amend an Act creating the Cobb Judicial Circuit, approved February 19, 1951 (Ga. L. 1951, p. 184), as amended, so as to provide for the supplement to be paid to each of the judges of the superior court of said circuit and an additional supplement for the chief judge of said circuit; to repeal conflicting laws; to provide an effective date; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 617. By Senator Wiles of the 37th:

A BILL to be entitled an Act to amend Part 11 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to complaints policy for teachers and other school personnel, so as to provide that local units of administration adopt a grievance policy; to revise certain definitions; to revise certain provisions relating to matters not subject to complaint; to revise certain provisions relating to establishment and contents of complaint policies; to revise certain provisions relating to supplemental rules and policies authorized; to revise certain provisions relating to appeals to the State Board of Education; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

SB 618. By Senator Moody of the 56th:

A BILL to be entitled an Act to amend Part 1 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the short title and purpose of the "Quality Basic Education Act," so as to change certain provisions relating to eligibility of enrollment for children in the custody of the

Department of Juvenile Justice or the Department of Human Resources; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

SR 1040. By Senators Pearson of the 51st, Schaefer of the 50th, Balfour of the 9th, Williams of the 19th and Johnson of the 1st:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide for additional methods for the payment of just and adequate compensation with respect to the taking of private property which results from unreasonably burdensome governmental actions; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Judiciary Committee.

SR 1048. By Senators Hamrick of the 30th and Smith of the 52nd:

A RESOLUTION ratifying the initial minimum standard promulgated by the Georgia Public Defender Standards Council, hereinafter referred to as the "Standards Council," entitled "Standards for Determining Indigence," hereinafter referred to as the "Indigence Standard"; to provide for an effective date; and for other purposes.

Referred to the Judiciary Committee.

The following House legislation was read the first time and referred to committee:

HB 343. By Representatives Borders of the 175th, Black of the 174th, Shaw of the 176th and Houston of the 170th:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to other state symbols, so as to designate the Valdosta State University's Peach State Summer Theatre as Georgia's Official Musical Theatre; to repeal conflicting laws; and for other purposes.

Referred to the Rules Committee.

HB 513. By Representatives Scott of the 153rd and Day of the 163rd:

A BILL to be entitled an Act to amend Code Section 40-5-2 of the Official Code of Georgia Annotated, relating to keeping of records of applications for licenses and information on licensees and furnishing of information, so as to provide for furnishing of driver history information; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

HB 1126. By Representative Barnard of the 166th:

A BILL to be entitled an Act to amend Code Section 45-18-10 of the Official Code of Georgia Annotated, relating to the right of continuation of insurance benefits for former state employees, so as to provide an exemption from the eight-year service requirement for correctional officers injured by inmate violence when five years or less from becoming eligible for medicare medical coverage; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

HB 1217. By Representatives Murphy of the 23rd, Rice of the 51st, Talton of the 145th, Maxwell of the 17th and Dollar of the 45th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for parking permits for disabled persons; to provide for specifications for such parking permits; to require that the person with the disability be the operator of or a passenger in the vehicle when such permit is being used; to amend Part 2 of Article 10 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform rules of the road, so as to designate certain Code sections as reserved; to update cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

HB 1219. By Representatives Smith of the 70th, Freeman of the 140th, Maddox of the 172nd, Morris of the 155th, Reese of the 98th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, so as to provide for an exemption with respect to the sale of certain school supplies, clothing, footwear, computers, and computer related accessories for a limited period of time; to provide for an exemption from state sales and use tax only with respect to certain sales of certain energy efficient products for a limited period of time; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Finance Committee.

HB 1272. By Representatives Graves of the 12th, Brown of the 69th, Ralston of the 7th, Channell of the 116th, Burmeister of the 119th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for an exemption regarding sales to nonprofit volunteer health clinics; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Finance Committee.

HB 1304. By Representatives Knox of the 24th, Brown of the 69th and Meadows of the 5th:

A BILL to be entitled an Act to amend Title 33 of the O.C.G.A., relating to insurance, so as to provide that neither the cash surrender values nor the proceeds of life insurance policies and annuity contracts shall be liable to attachment, garnishment, or legal process in favor of any creditor of the person for whose use or benefit the policy or contract was executed; to provide that the proceeds of life insurance policies that are payable to the insured's estate or executor, administrator, or assign shall become a part of the insured's estate to be administered as all other estate assets; to provide for the discharge from liability for any insurer for payments in accordance with such provisions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

HR 1395. By Representatives Loudermilk of the 14th, Richardson of the 19th, Keen of the 179th, Porter of the 143rd, Hugley of the 133rd and others:

A RESOLUTION honoring the memory of Wiley T. Nixon and naming the Wiley T. Nixon Capitol Post Office in his honor; and for other purposes.

Referred to the State Institutions and Property Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Banking and Financial Institutions Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 505 Do Pass by substitute

Respectfully submitted,
Senator Hamrick of the 30th District, Chairman

Mr. President:

The Education and Youth Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 984 Do Pass by substitute

Respectfully submitted,
Senator Moody of the 56th District, Chairman

Mr. President:

The Finance Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 560 Do Pass
HB 1157 Do Pass

HB 1182 Do Pass
SB 562 Do Pass

Respectfully submitted,
Senator Cagle of the 49th District, Chairman

Mr. President:

The Health and Human Services Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 211	Do Not Pass
SB 349	Do Pass
SB 422	Do Pass by substitute

Respectfully submitted,
Senator Thomas of the 54th District, Chairman

Mr. President:

The Interstate Cooperation Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1067	Do Pass
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Respectfully submitted,
Senator Harbison of the 15th District, Chairman

Mr. President:

The Public Safety and Homeland Security Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 529	Do Pass by substitute
SB 581	Do Pass
SR 1025	Do Pass

Respectfully submitted,
Senator Kemp of the 46th District, Chairman

Mr. President:

The State and Local Governmental Operations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1124	Do Pass	SB 563	Do Pass
HB 1334	Do Pass	SB 589	Do Pass
SB 524	Do Pass by substitute		

Respectfully submitted,
Senator Wiles of the 37th District, Chairman

Mr. President:

The Transportation Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 294	Do Pass by substitute	SR 433	Do Pass
HB 954	Do Pass	SR 434	Do Pass
HB 1106	Do Pass	SR 848	Do Pass
HB 1190	Do Pass by substitute	SR 849	Do Pass

Respectfully submitted,
Senator Stephens of the 27th District, Chairman

The following legislation was read the second time:

HB 660	SB 510	SB 533	SB 539	SB 566	SB 569
HB 809	SB 523	SB 534	SB 542	SB 567	SR 865
HR 1425	SB 531	SB 538	SB 556	SB 568	

Senator Carter of the 13th asked unanimous consent that Senator Hooks of the 14th be excused. The consent was granted, and Senator Hooks was excused.

Senator Tolleson of the 20th asked unanimous consent that Senator Stephens of the 27th be excused. The consent was granted, and Senator Stephens was excused.

Senator Tolleson of the 20th asked unanimous consent that Senator Hill of the 4th be excused. The consent was granted, and Senator Hill was excused.

Senator Tolleson of the 20th asked unanimous consent that Senator Bulloch of the 11th be excused. The consent was granted, and Senator Bulloch was excused.

Senator Carter of the 13th asked unanimous consent that Senator Hill of the 32nd be excused. The consent was granted, and Senator Hill was excused.

Senator Miles of the 43rd asked unanimous consent that Senator Tate of the 38th be excused. The consent was granted, and Senator Tate was excused.

Senator Harp of the 29th asked unanimous consent that Senator Grant of the 25th be excused. The consent was granted, and Senator Grant was excused.

Senator Whitehead of the 24th asked unanimous consent that Senator Shafer of the 48th be excused. The consent was granted, and Senator Shafer was excused.

The roll was called and the following Senators answered to their names:

Adelman	Johnson	Starr
Brown	Jones	Staton
Butler	Kemp	Stoner
Cagle	Me V Bremen	Tarver
Carter	Miles	Thomas,D
Chance	Moody	Thomas,R
Chapman	Mullis	Thompson,C
Douglas	Pearson	Thompson,S
Goggans	Powell	Tolleson
Golden	Reed	Unterman
Hamrick	Rogers	Weber
Harbison	Schaefer	Whitehead
Harp	Seabaugh	Wiles
Heath	Seay	Williams
Henson	Smith	Zamarripa
Hudgens		

Not answering were Senators:

Balfour	Bulloch (Excused)	Fort
Grant (Excused)	Hill, Jack (Excused)	Hill, Judson (Excused)
Hooks (Excused)	Shafer, D (Excused)	Stephens (Excused)
Tate (Excused)		

Senator Wiles of the 37th led a Boy Scouts of America color guard and the members pledged allegiance to the flag.

Senator Kemp of the 46th introduced the chaplain of the day, Pastor Jon Appleton of Athens, Georgia, who offered scripture reading and prayer.

The following resolution was read and adopted:

SR 1051. By Senators Wiles of the 37th, Johnson of the 1st, Balfour of the 9th, Williams of the 19th, Mullis of the 53rd and others:

A RESOLUTION recognizing March 1, 2006, as "Boy Scouts Day in Georgia"; and for other purposes.

Senator Wiles of the 37th recognized representatives of the Boy Scouts of America, commended by SR 1051.

Senator Wiles of the 37th introduced the doctor of the day, Dr. Elizabeth Street.

Senator Reed of the 35th asked unanimous consent that the following resolution be withdrawn from the Senate Finance Committee and committed to the Senate State and Local Governmental Operations Committee:

SR 871. By Senator Reed of the 35th:

A RESOLUTION to repeal the amendment to the Constitution of Georgia creating within Fulton County the Fulton County Industrial District and prohibiting the governing authority of Fulton County from levying any tax for educational purposes within such district; to provide for a referendum with respect to the effectiveness of the foregoing; to repeal conflicting laws; and for other purposes

The consent was granted, and SR 871 was committed to the Senate State and Local Governmental Operations Committee.

The following resolutions on today's Consent Calendar for Privileged Resolutions were read and adopted:

SR 1037. By Senators Douglas of the 17th, Jones of the 10th and Starr of the 44th:

A RESOLUTION congratulating the Henry County High School varsity baseball team on winning the 2005 AAAA state championship; and for other purposes.

SR 1038. By Senators Douglas of the 17th, Jones of the 10th and Starr of the 44th:

A RESOLUTION commending the 8U McDonough Dawgs baseball team; and for other purposes.

SR 1039. By Senators Hill of the 32nd, Seay of the 34th, Moody of the 56th, Pearson of the 51st, Reed of the 35th and others:

A RESOLUTION commending Piedmont Healthcare and congratulating it on its 100th anniversary; and for other purposes.

SR 1041. By Senators Kemp of the 46th and Hudgens of the 47th:

A RESOLUTION commending Mr. Ed Hoard on being inducted into the PGA Golf Professional Hall of Fame; and for other purposes.

SR 1042. By Senators Kemp of the 46th, Hudgens of the 47th, Whitehead, Sr. of the 24th, Williams of the 19th and Johnson of the 1st:

A RESOLUTION commending the University of Georgia Gymnastics Team on winning the 2005 NCAA National Championship; and for other purposes.

SR 1043. By Senators Kemp of the 46th, Hudgens of the 47th, Whitehead, Sr. of the 24th, Williams of the 19th and Johnson of the 1st:

A RESOLUTION commending the University of Georgia Women's Swimming Team on winning the 2005 NCAA National Championship; and for other purposes.

SR 1044. By Senators Kemp of the 46th, Hudgens of the 47th, Whitehead, Sr. of the 24th, Williams of the 19th and Johnson of the 1st:

A RESOLUTION commending the University of Georgia Football Team on winning the 2005 Southeastern Conference Championship; and for other purposes.

SR 1045. By Senators Thomas of the 54th, Goggans of the 7th, Smith of the 52nd, Unterman of the 45th, Moody of the 56th and others:

A RESOLUTION recognizing March to be Kidney Cancer Awareness Month; and for other purposes.

SR 1046. By Senator Carter of the 13th:

A RESOLUTION commending Clayton Andrew Cumbee on becoming an Eagle Scout; and for other purposes.

SR 1047. By Senator Rogers of the 21st:

A RESOLUTION commending Brandon Duggar Griffeth on attaining the rank of Eagle Scout; and for other purposes.

SR 1049. By Senators Jones of the 10th, Butler of the 55th, Miles of the 43rd, Thompson of the 5th, Adelman of the 42nd and others:

A RESOLUTION congratulating the DeKalb County School System for a record signing day for senior football players; and for other purposes.

SR 1050. By Senators Jones of the 10th, Butler of the 55th, Miles of the 43rd, Thompson of the 5th, Adelman of the 42nd and others:

A RESOLUTION commending Southwest DeKalb High School's Advanced Placement United States History students; and for other purposes.

SR 1052. By Senators Stephens of the 27th and Pearson of the 51st:

A RESOLUTION commending Mrs. Lucille Craig; and for other purposes.

SR 1053. By Senator Hill of the 32nd:

A RESOLUTION remembering and honoring the life of Mr. Barry W. Banister; and for other purposes.

SR 1054. By Senators Hamrick of the 30th and Seabaugh of the 28th:

A RESOLUTION expressing sorrow at the passing of Lance Corporal Samuel W. Large, Jr.; and for other purposes.

SR 1055. By Senators Hamrick of the 30th and Seabaugh of the 28th:

A RESOLUTION remembering and honoring the life of Colonel John Chapple Chandler, Jr.; and for other purposes.

SR 1056. By Senators Hamrick of the 30th and Reed of the 35th:

A RESOLUTION commending Ms. Pam Walker; and for other purposes.

SR 1057. By Senators Hamrick of the 30th and Reed of the 35th:

A RESOLUTION commending Matthew Goggans on becoming an Eagle Scout; and for other purposes.

SR 1058. By Senator Williams of the 19th:

A RESOLUTION commending Mr. Claude E. Bird, Jr., for his service to the Boy Scouts of America; and for other purposes.

SR 1059. By Senator Williams of the 19th:

A RESOLUTION congratulating Mr. and Mrs. Henry Gardner on the occasion of their 60th wedding anniversary; and for other purposes.

SR 1060. By Senators Meyer von Bremen of the 12th and Hooks of the 14th:

A RESOLUTION recognizing Ms. Alexa Turpin as the newly crowned Miss Georgia Teen America 2006; and for other purposes.

Senator Whitehead of the 24th asked unanimous consent that Senator Harp of the 29th be excused. The consent was granted, and Senator Harp was excused.

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

SENATE LOCAL CONSENT CALENDAR

Wednesday, March 1, 2006
Twenty-fifth Legislative Day

(The names listed are the Senators whose districts are affected by the legislation.)

SB 589

Staton of the 18th
Grant of the 25th
JONES COUNTY

A BILL to be entitled an Act to amend an Act creating a Board of Education of Jones County, approved March 21, 1984 (Ga. L. 1984, p. 4459), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3836), so as to provide for the election of members of the Board of Education of Jones County in nonpartisan elections; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1334

Kemp of the 46th
ATHENS/CLARKE COUNTY

A BILL to be entitled an Act to authorize Athens-Clarke County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Pursuant to Article VII, Section II, Paragraph IV of the Constitution, the following local bill relating to homestead exemptions requires a two-thirds roll-call vote for passage:

HB 1124

Hudgens of the 47th
BARROW COUNTY

A BILL to be entitled an Act to provide an additional homestead exemption from Barrow County school district ad valorem taxes for educational purposes in the amount of \$60,000.00 of the assessed value of the homestead after a four-year phase-in period for residents of that school district who are 62 years of age or over and whose federal total income does not exceed certain federally specified poverty guidelines; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the local legislation as reported, was agreed to.

On the passage of the legislation, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Balfour	Y Hill,Judson	Y Starr
Y Brown	E Hooks	Y Staton
Y Bulloch	Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	E Tate
Y Chance	Y Me V Bremen	Thomas,D
Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Thompson,C
Fort	Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
E Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
E Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	E Shafer,D	

On the passage of the local legislation, the yeas were 44, nays 0.

The legislation on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

SENATE RULES CALENDAR
WEDNESDAY, MARCH 1, 2006
TWENTY-FIFTH LEGISLATIVE DAY

HB 1107	Income tax credit; imposition, rate, and computation; real property; amend (FIN-49th) Roberts-154th
SB 484	Colquitt, City of; declare as Georgia's First Mural City (RULES-11th)
SB 504	State Properties Commission; certain state entities shall sell/make long-term leases of property (Substitute)(SI&P-9th)

- SB 535 Pawnbrokers; define terms; require registration with Governor's Office of Consumer Affairs; motor vehicle title pawn tickets (Substitute)(B&FI-30th)
- SB 423 Ray Biddie/Gene Mullis Act; regulate patient care dialysis technicians; provide licensing requirements; renewal/reinstatement of licenses (Substitute)(H&HS-45th)
- SB 370 License Plate, Special; promote agriculture in Georgia; provide for issuance, renewals, fees, donation of revenue (PF) (PS&HS-7th)
- SB 515 Quality Basic Education Act; expand grades of eligibility for remedial education program (Substitute)(ED&Y-56th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

HB 1107. By Representatives Roberts of the 154th, Golick of the 34th, Smith of the 129th, Maddox of the 172nd, Smith of the 70th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for income tax credits with respect to qualified donations of real property for conservation purposes; to provide for definitions; to provide for conditions, limitations, and exclusions; to provide for authority of the state revenue commissioner and the Department of Natural Resources with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Cagle of the 49th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Starr
Brown	E Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens

Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	E Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
E Grant	Y Reed	Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 49, nays 0.

HB 1107, having received the requisite constitutional majority, was passed.

Senator Miles of the 43rd introduced Dr. Yvonne S. Butler, commended by SR 834, adopted previously.

The Calendar was resumed.

SB 484. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to other state symbols, so as to declare the City of Colquitt as Georgia's First Mural City; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Balfour	Hill,Judson	Y Starr
Y Brown	E Hooks	Y Staton
Y Bulloch	Y Hudgens	Stephens
Y Butler	Johnson	Stoner
Y Cagle	Y Jones	Y Tarver

N Carter	Y Kemp	E Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Chapman	N Miles	Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Fort	Y Mullis	Y Thompson,S
N Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
E Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Heath	Y Seay	Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 40, nays 3.

SB 484, having received the requisite constitutional majority, was passed.

The President introduced Lee Haney. Mr. Haney addressed the Senate briefly.

Senator Golden of the 8th asked unanimous consent that Senator Stoner of the 6th be excused. The consent was granted, and Senator Stoner was excused.

Senator Thomas of the 2nd asked unanimous consent that Senator Chapman of the 3rd be excused. The consent was granted, and Senator Chapman was excused.

The Calendar was resumed.

SB 504. By Senator Balfour of the 9th:

A BILL to be entitled an Act to amend Code Section 50-16-38 of the Official Code of Georgia Annotated, relating to acquisition of state property through the State Properties Commission, so as to provide that certain state entities shall sell and make long-term leases of property through the State Properties Commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate State Institutions and Property Committee offered the following substitute to SB 504:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 50-16-38 of the Official Code of Georgia Annotated, relating to acquisition of state property through the State Properties Commission, so as to provide that state entities shall sell and make leases for ten or more years of property through the State Properties Commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 50-16-38 of the Official Code of Georgia Annotated, relating to acquisition of state property through the State Properties Commission, is amended by striking subsection (a) and inserting in its place a new subsection to read as follows:

"(a) Except for all acquisitions, sales, and leases of real property by the Department of Transportation and the Board of Regents of the University System of Georgia, and except for the Department of Natural Resources acquiring by gift parcels of real property, not exceeding three acres each, to be used for the construction and operation thereon of boat-launching ramps, and except for acquisitions of real property by the Department of Technical and Adult Education in connection with student live work projects funded through moneys generated as a result of the sale of such projects, donations, or student supply fees, and except for acquisitions of real property by the commission resulting from transfers of custody and control of real property to the commission by executive order of the Governor or by Act or resolution of the General Assembly, ~~and except as otherwise provided by law~~, and except as otherwise required by ~~the nature of the transaction~~ easements and licenses conveying real property to the state or any entity thereof:

- (1) All state entities shall acquire real property through the commission; ~~and~~
- (2) All sales and leases for ten or more years as lessor by state entities shall be carried out by the commission; and
- (3) The title to all real property acquired shall be in the name of the state, except for state authorities which shall hold title in their own name. The conveyance shall have written or printed in the upper right-hand corner of the initial page thereof the name of the state entity for which acquired who is the custodian thereof."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 39, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Brown	E Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	E Stoner
Y Cagle	Y Jones	Y Tarver
Carter	Y Kemp	E Tate
Y Chance	Y Me V Bremen	Y Thomas,D
E Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 48, nays 0.

SB 504, having received the requisite constitutional majority, was passed by substitute.

Senator Wiles of the 37th asked unanimous consent that Senator Weber of the 40th be excused. The consent was granted, and Senator Weber was excused.

Senator Henson of the 41st asked unanimous consent that Senator Fort of the 39th be excused. The consent was granted, and Senator Fort was excused.

SB 535. By Senators Hamrick of the 30th, Miles of the 43rd, Hudgens of the 47th, Bulloch of the 11th and Seabaugh of the 28th:

A BILL to be entitled an Act to amend Part 5 of Article 3 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to pawnbrokers, so as to define terms; to require registration with the Governor's Office of Consumer Affairs; to provide for notification of repossession of a motor vehicle; to provide for redemption of the motor vehicle; to provide for a commercially reasonable sale; to provide for a return of surplus from the sale to the pledgor; to require a mandatory principal payment in certain situations; to provide for additional disclosures on motor vehicle title pawn tickets; to

provide procedures for military members and their spouses; to provide for related matters; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate Banking and Financial Institutions Committee offered the following substitute to SB 535:

**A BILL TO BE ENTITLED
AN ACT**

To amend Part 5 of Article 3 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to pawnbrokers, so as to define terms; to require registration with the Governor's Office of Consumer Affairs; to provide for notification of repossession of a motor vehicle; to provide for redemption of the motor vehicle; to provide for a commercially reasonable sale; to provide for a return of surplus from the sale to the pledgor; to require a mandatory principal payment in certain situations; to provide for additional disclosures on motor vehicle title pawn tickets; to provide procedures for military members and their spouses; to provide for related matters; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 5 of Article 3 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to pawnbrokers, is amended by inserting new paragraphs (1.1) and (1.2) in Code Section 44-12-130, relating to definitions relevant to pawnbrokers, to read as follows:

"(1.1) 'Motor vehicle title pawn' or 'title pawn' means a pawn transaction wherein the pawnbroker maintains possession of a motor vehicle certificate of title, and not the actual motor vehicle, pursuant to paragraph (5) of this Code section.

(1.2) 'Motor vehicle title pawn agreement' means a written agreement evidencing a motor vehicle title pawn."

SECTION 2.

Said part is amended by inserting a new Code Section 44-12-130.1 immediately following Code Section 44-12-130, relating to definitions relevant to pawnbrokers, to read as follows:

"44-12-130.1.

Any business that offers or makes motor vehicle title pawns shall be required to register with the Governor's Office of Consumer Affairs. Such registration shall disclose the name of the business, the name of the person or entity owning the business, the number of repossessions of motor vehicles the business initiated in the previous year, and the address of all locations operating within the State of Georgia. A reasonable fee for

registration shall be established by the Governor's Office of Consumer Affairs. The registration shall be renewed every two years."

SECTION 3.

Said part is further amended by striking Code Section 44-12-131, relating to pawn transactions, in its entirety and inserting in its place the following:

"44-12-131.

(a)(1) All pawn transactions shall be for 30 day periods but may be extended or continued for additional 30 day periods.

(2) A pawnbroker shall not lease back to the seller or pledgor any motor vehicle during a pawn transaction or during any extension or continuation of the pawn transaction.

(3)(A) ~~Unless otherwise agreed, a~~ A pawnbroker has upon default the right to take possession of the motor vehicle that is the subject of a motor vehicle title pawn agreement. At least ten days prior to repossession, the pawnbroker shall send written notice to the pledgor by certified mail or statutory overnight delivery, return receipt requested, indicating that repossession may occur. The notice shall be sent to the address provided to the pawnbroker by the pledgor at the time the motor vehicle title pawn agreement was executed or the last address thereafter provided to the pawnbroker by the pledgor in writing. The pledgor shall be advised to remove all of his or her personal property from the vehicle before the repossession occurs. The pawnbroker need only send one such notice during the life of the title pawn transaction and any extensions thereof notwithstanding subsequent defaults. In taking possession, the pawnbroker or his the pawnbroker's agent may proceed without judicial process if this can be done without breach of the peace or may proceed by action.

(B) Notwithstanding any other law to the contrary, including but not limited to Code Section 44-14-403, if a pawnbroker obtains possession of a motor vehicle as permitted in subparagraph (A) of this paragraph, the pawnbroker shall send a notice to the pledgor by certified mail or statutory overnight delivery, return receipt requested, informing the pledgor that the pledgor has 20 days from the date of such notice to redeem the motor vehicle by paying to the pawnbroker all amounts owed. The amounts owed shall be disclosed to the pledgor and shall be calculated pursuant to the provisions of this subsection. During this 20 day period, the pledgor shall have the right to redeem the motor vehicle and certificate of title by paying to the pawnbroker the unpaid principal amount of the pawn, the unpaid interest, and pawnshop charges calculated at the rates charged by the pawnbroker in accordance with subparagraphs (A) and (B) of paragraph (4) of this subsection for each 30 day period from the date of the title pawn agreement through the date of repossession, plus the repossession and storage expenses permitted pursuant to subparagraph (C) of paragraph (4) of this subsection.

(C) In the event the pledgor does not redeem the motor vehicle within the 20 day redemption period required by subparagraph (B) of this paragraph, the pawnbroker

shall sell the motor vehicle. The pawnbroker must sell the motor vehicle in a commercially reasonable manner within 60 days of the expiration of the 20 day redemption period. Any amount received from such sale in excess of the unpaid principal amount of the pawn, the unpaid interest and pawnshop charges calculated pursuant to subparagraph (B) of this paragraph, plus the repossession and storage expenses actually and reasonable incurred by the pawnbroker, shall be returned to the pledgor within 15 days. For the purposes of this subsection, a sale is made in a commercially reasonable manner if the sale is made at any generally known motor vehicle auction or otherwise in conformity with reasonable commercial practices among dealers in used motor vehicles.

(4)(A) During the first 90 days of any pawn transaction or extension or continuation of the pawn transaction, a pawnbroker may charge for each 30 day period interest and pawnshop charges which together equal no more than 25 percent of the principal amount advanced, with a minimum charge of up to \$10.00 per 30 day period.

(B) On any pawn transaction which is continued or extended beyond 90 days, a pawnbroker may charge for each 30 day period interest and pawnshop charges which together equal no more than 12.5 percent of the principal amount advanced, with a minimum charge of up to \$5.00 per 30 day period.

(C) Notwithstanding any provision of this part to the contrary, prior to the commencement of the fourth extension or continuation of a motor vehicle title pawn agreement and prior to the commencement of each successive extension or continuation thereafter, the pledgor shall be required to make a payment of at least 5 percent of the original principal amount of the title pawn transaction in addition to the earned interest and pawnshop charges authorized by this part. Interest and pawnshop charges authorized by this part at each successive extension or continuation shall be calculated on the outstanding principal balance. If at the commencement of any extension or continuation requiring a principal reduction the pledgor has not made previous principal reductions adequate to satisfy the current required principal reduction, and the pledgor does not repay at least 5 percent of the original principal balance as well as any outstanding interest and pawnshop charges, the pawnbroker may either, at its option, decline to further extend or continue the pawn transaction and declare that the current maturity date is the final maturity date or defer any required principal payment until a future payment date. No further interest or pawnshop charges may accrue on any such principal amount so deferred.

~~(C)~~(D) In addition to the charges provided for in subparagraphs (A) and (B) of this paragraph, in a pawn transaction or in any extension or continuation of a pawn transaction involving a motor vehicle or a motor vehicle certificate of title, a pawnbroker may charge the following:

- (i) A fee equal to no more than any fee imposed by the appropriate state to register a lien upon a motor vehicle title, but only if the pawnbroker actually registers such a lien;
- (ii) No more than \$5.00 per day in storage fees, but only if an actual repossession

pursuant to a default takes place on a vehicle which was not already in the pawnbroker's possession and only for each day the pawnbroker must actually retain possession of the motor vehicle; and

(iii) A repossession fee of \$50.00 within 50 miles of the office where the pawn originated, \$100.00 within 51 to 100 miles, \$150.00 within 101 to 300 miles and a fee of \$250.00 beyond 300 miles, but only if an actual repossession pursuant to a default takes place on a vehicle which was not already in the pawnbroker's possession.

~~(D)~~(E) If a pledgor or seller requests that the pawnbroker mail or ship the pledged item to the pledgor or seller, a pawnbroker may charge a fee for the actual shipping and mailing costs, plus a handling fee equal to not more than 50 percent of the actual shipping and mailing costs.

~~(E)~~(F) In the event the pledgor or seller has lost or destroyed the original pawn ticket, a pawnbroker may, at the time of redemption, charge a fee equal to not more than \$2.00.

(5) No other charge or fee of any kind by whatever name denominated, including but not limited to any other storage fee for a motor vehicle, or any prepayment penalty, shall be made by a pawnbroker except as set out in paragraph (4) of this subsection.

(6) No fee or charge provided for in this Code section may be imposed unless a disclosure regarding that fee or charge has been properly made as provided for in Code Section 44-12-138.

(7)(A) Any interest, fees, or charges collected which are undisclosed, improperly disclosed, or in excess of that allowed by this subsection may be recovered by the pledgor or seller in an action at law in any superior court of appropriate jurisdiction.

(B) In any such action in which the pledgor or seller prevails, the court shall also award reasonable attorneys' fees, court costs, and any expenses of litigation to the pledgor or seller.

(C) Before filing an action under this Code section, the pledgor or seller shall provide the pawnbroker with a written notice by certified mail or statutory overnight delivery, return receipt requested, that such an action is contemplated, identifying any fees or charges which the pledgor or seller contends are undisclosed, improperly disclosed, or in excess of the fees and charges allowed by this Code section. If the court finds that during the 30 days following receipt of this notice the pawnbroker made a good faith offer to return any excess, undisclosed, or improperly disclosed charges, the court shall award reasonable attorneys' fees, court costs, and expenses of litigation to the pawnbroker.

(D) No action shall be brought under this Code section more than two years after the pledgor or seller knew or should have known of the excess, undisclosed, or improperly disclosed charges.

(b) Any interest, charge, or fees contracted for or received, directly or indirectly, in excess of the amounts permitted under subsection (a) of this Code section shall be uncollectable and the pawn transaction shall be void. All interest and the pawnshop charge allowed under subsection (a) of this Code section shall be deemed earned, due,

and owing as of the date of the pawn transaction and a like sum shall be deemed earned, due, and owing on the same day of the succeeding month.

(c) A pledgor has the right to cancel the pledgor's obligation to make payments under a motor vehicle title pawn agreement until the close of the next business day immediately following the day the pledgor signs a motor vehicle title pawn agreement if the pledgor returns the original check or cash to the location where the pawn was originated. For the purpose of this subsection, the term 'business day' means any day that the title pawn office is open for business."

SECTION 4.

Said part is further amended by striking Code Section 44-12-133, relating to manner of keeping and inspection of permanent records of pawnbrokers, in its entirety and inserting in its place the following:

"44-12-133.

Entries shall appear in ink and shall be in chronological order. No blank lines may be left between entries. No obliterations, alterations, or erasures may be made. Corrections shall be made by drawing a line of ink through the entry without destroying its legibility. The book shall be open to the inspection of any duly authorized law enforcement officer, including a representative from the Governor's Office of Consumer Affairs, during the ordinary hours of business or at any reasonable time."

SECTION 5.

Said part is further amended in Code Section 44-12-138, relating to restrictions on advertising and required disclosures on pawn tickets, by substituting "(d)" for "(c)" in the introductory language of subsection (b); by redesignating existing subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and by adding a new subsection (c) to read as follows:

"(c) In addition to the information required by subsection (b) of this Code section, a pawnbroker shall include the following additional disclosures on any motor vehicle title pawn agreement:

- (1) A statement that this pawn transaction is not intended to meet long-term financial needs;
- (2) A statement that this pawn transaction should only be used to meet short-term cash needs;
- (3) A statement that the borrower will be required to pay additional interest and fees if he or she renews this pawn transaction rather than pay the pawn in full when due;
- (4) A statement that the borrower is placing at great risk his or her continued ownership of the personal property that he or she is pledging for this pawn transaction, including his or her motor vehicle if that is the property being pledged;
- (5) A statement that this is a higher interest transaction and that the pledgor should consider what other lower cost options he or she may have;
- (6) A statement that if the pledgor fails to repay the full amount of the pawn

transaction on or before the end of the maturity date or renewal of the pawn transaction the pawnbroker may take possession of the property pledged and sell the property in the manner provided by law;

(7) A statement that a pledgor has a right of rescission. Rescission means that a pledgor may cancel his or her contract at no cost by returning the borrowed money by the end of the business day immediately following the date of the pawn transaction. For the purposes of this paragraph, the term 'business day' means any day the pawnbroker is open for business;

(8) A statement that if the pledgor loses his or her copy of the title pawn agreement, he or she should immediately advise the pawnbroker in writing; and

(9) A statement that complaints about the pawnbroker's actions can be made to the Governor's Office of Consumer Affairs."

SECTION 6.

Said part is further amended by adding a new Code Section 44-12-139 immediately following Code Section 44-12-138, relating to restrictions on advertising and required disclosures on pawn tickets, to read as follows:

"44-12-139.

In a motor vehicle title pawn transaction under this part involving a member of the United States military or his or her spouse, the pawnbroker:

(1) Shall not contact the commanding officer of the military member or anyone in the military member's chain of command in an effort to collect on a title pawn made by the military member or his or her spouse;

(2) Shall be bound by the terms of any repayment agreement that the pawnbroker negotiates through military or third-party counselors; and

(3) Shall cease the accrual of interest and pawnshop charges on the pledgor's pawn transaction when the member of the military has been deployed to a combat or a combat support post, or when a member of the reserves component of the armed forces or National Guard has been called to active duty, provided such pledgor provides the pawnbroker with proper documentary evidence of such deployment or status. The cessation of interest and pawnshop charges shall continue for the duration of the deployment or active duty status. During such period, the pawnbroker may not withhold additional extension periods to the military pledgor and may not seek possession of the pledgor's motor vehicle provided the military pledgor makes equal monthly payments sufficient to repay the remaining principal within four months. The benefit provided by this paragraph shall not apply if the member of the military had received orders regarding his or her combat deployment or active duty status prior to taking out the motor vehicle title pawn."

SECTION 7.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which

shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 8.

This Act shall become effective on July 1, 2006.

SECTION 9.

All laws and parts of laws in conflict with this Act are repealed.

Senator Jones of the 10th offered the following amendment #1:

Amend the Committee substitute to SB 535 by striking line 23 of page 3 and inserting in lieu thereof the following:

“together equal no more than 5 percent of the principal amount advanced, with a”

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

Y Adelman	N Hill,Jack	Y Smith
N Balfour	N Hill,Judson	Y Starr
Y Brown	E Hooks	N Staton
N Bulloch	N Hudgens	Y Stephens
Butler	N Johnson	Y Stoner
N Cagle	Y Jones	N Tarver
N Carter	N Kemp	N Tate
N Chance	N Me V Bremen	N Thomas,D
N Chapman	N Miles	Y Thomas,R
N Douglas	N Moody	Y Thompson,C
E Fort	N Mullis	N Thompson,S
N Goggans	N Pearson	N Tolleson
Y Golden	Y Powell	N Unterman
N Grant	Y Reed	E Weber
N Hamrick	N Rogers	N Whitehead
N Harbison	N Schaefer	N Wiles
N Harp	Y Seabaugh	N Williams
N Heath	Seay	Y Zamarripa
N Henson	N Shafer,D	

On the adoption of the amendment, the yeas were 14, nays 37, and the Jones amendment #1 was lost.

Senators Thompson of the 33rd and Hamrick of the 30th offered the following amendment #2:

Amend the Senate Banking and Financial Institutions Committee substitute to SB 535 by adding "(a)" at the beginning of line 24 on page 1.

By striking all the matter on line 5 of page 2 and inserting in place thereof the following:
be renewed every year.

(b) In addition to the information already required by subsection (a) of this Code section, the following information for the preceding calendar year shall also be contained in the annual registration:

(1) The total number of motor vehicle title pawns that were made by the business;
and

(2) The average length in months of all motor vehicle title pawns by the business.

(c) The Governor's Office of Consumer Affairs shall produce an annual report based on aggregate information provided by registrations for businesses that offer and make motor vehicle title pawns from the previous year. The report shall be submitted to the Governor, Lieutenant Governor, Speaker of the House, each member of the House Committee on Banks and Banking, and each member of the Senate Banking and Financial Institutions Committee. The report shall also be made available to the public. The report shall include but not be limited to the following information from the previous calendar year:

(1) The total number of businesses that offer and make motor vehicle title pawns in Georgia;

(2) The total number of motor vehicle title pawns made in Georgia;

(3) The average length in months of all motor vehicle title pawns in Georgia; and

(4) The total number of repossessions for motor vehicle title pawns that reached default."

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

Y Adelman

Y Balfour

Y Brown

Y Bulloch

Butler

Y Cagle

Y Carter

Y Chance

N Hill,Jack

Y Hill,Judson

E Hooks

Y Hudgens

Y Johnson

Y Jones

Y Kemp

Y Me V Bremen

Y Smith

Y Starr

Y Staton

Y Stephens

Y Stoner

Y Tarver

Y Tate

Y Thomas,D

Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
E Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	E Weber
Y Hamrick	N Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the adoption of the amendment, the yeas were 50, nays 2, and the Thompson of the 33rd, Hamrick amendment #2 was adopted.

On the adoption of the substitute, the yeas were 49, nays 0, and the committee substitute was adopted as amended.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
N Brown	E Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
E Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	N Reed	E Weber
Y Hamrick	N Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	N Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 48, nays 4.

SB 535, having received the requisite constitutional majority, was passed by substitute.

The following resolution was read and adopted:

SR 1061. By Senators Williams of the 19th, Johnson of the 1st and Brown of the 26th:

A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that, unless otherwise provided by subsequent resolution of the General Assembly, the meeting dates and dates of adjournment for the 2006 regular session of the General Assembly for the period of March 1, 2006, through March 6, 2006, shall be as follows:

Wednesday, March 1.....	in session for legislative day 25
Thursday, March 2	in session for legislative day 26
Friday, March 3.....	in adjournment
Saturday, March 4	in adjournment
Sunday, March 5	in adjournment
Monday, March 6.....	in session for legislative day 27

BE IT FURTHER RESOLVED that on and after March 6, 2006, the periods of adjournment of the 2006 session, if any, shall be as specified by subsequent resolution of the General Assembly, except that for the remainder of the 2006 regular session, unless otherwise provided by subsequent resolution, the General Assembly shall adjourn at the close of the legislative day on each Friday on which the General Assembly is in session and shall reconvene on the following Monday.

BE IT FURTHER RESOLVED that, as authorized by Code Section 28-1-2, the hours for closing and convening the Senate on each day may be as ordered by the Senate; and the hours for closing and convening the House on each day may be as ordered by the House.

Senator Harp of the 29th asked unanimous consent that Senator Grant of the 25th be excused. The consent was granted, and Senator Grant was excused.

The following bill was taken up to consider House action thereto:

SB 138. By Senators Stoner of the 6th, Rogers of the 21st, Hill of the 32nd and Wiles of the 37th:

A BILL to be entitled an Act to amend an Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951 (Ga. L. 1951, p. 497), as amended, particularly by an Act approved March 28, 1986 (Ga. L. 1986, p. 5296), an Act approved March 30, 1989 (Ga. L. 1989, p. 4711), and an Act approved April 5, 1995 (Ga. L. 1995, p. 4121), so as to change the membership, vacancy, and quorum provisions regarding the authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

The House substitute was as follows:

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951 (Ga. L. 1951, p. 497), as amended, particularly by an Act approved March 28, 1986 (Ga. L. 1986, p. 5296), an Act approved March 30, 1989 (Ga. L. 1989, p. 4711), and an Act approved April 5, 1995 (Ga. L. 1995, p. 4121), so as to change the membership, vacancy, and quorum provisions regarding the authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951 (Ga. L. 1951, p. 497), as amended, particularly by an Act approved March 28, 1986 (Ga. L. 1986, p. 5296), an Act approved March 30, 1989 (Ga. L. 1989, p. 4711), and an Act approved April 5, 1995 (Ga. L. 1995, p. 4121), is amended by striking subsections (b), (c), and (d) of Section 2 thereof and inserting in their respective places the following:

"(b) The authority shall consist of seven members who shall be determined and selected as follows:

- (1) One member shall be the chairperson of the Board of Commissioners of Cobb County, Georgia;
- (2) One member shall be selected by the governing authority of the City of Marietta, Georgia;
- (3) One member shall be selected by the governing authority of the City of Smyrna;
- (4) One member shall be the chairperson of the Board of Commissioners of Paulding County;
- (5) Three members shall be selected by a caucus consisting of all members of the General Assembly whose districts are wholly or partially within Cobb County. The

three members so selected by the caucus shall include one member from Cobb Commission District 1 or 4, excluding residents of Marietta and Smyrna; one member from Cobb Commission District 2 or 3, excluding residents of Marietta and Smyrna; and one member from unincorporated Cobb County.

(c) The term of office of the chairperson of the Board of Commissioners of Cobb County as a member of the authority and the term of office of the chairperson of the Board of Commissioners of Paulding County as a member of the authority shall be concurrent with their terms of office as chairpersons except that the term of office of the chairperson of the Board of Commissioners of Paulding County shall begin on August 15, 2006. The member of the authority appointed by the governing authority of Marietta serving on the effective date of this subsection shall serve until August 14, 2008, and until his or her successor is appointed and qualified. The member of the authority appointed by the governing authority of Smyrna shall begin serving on August 15, 2006, and shall serve until August 14, 2008, or until his or her successor is appointed and qualified. Thereafter, both the member of the authority appointed by Marietta and the member of the authority appointed by Smyrna shall serve for terms of four years and until their successors are appointed and qualified and shall assume office on August 15 following the expiration of the prior members' terms. The four members of the authority appointed by the members of the General Assembly from Cobb County serving on the effective date of this subsection shall serve until August 14, 2006, and until their successors are appointed and qualified. Thereafter, the members of the authority appointed by the members of the General Assembly from Cobb County shall serve for terms of four years and until their successors are appointed and qualified and shall assume office on August 15 following the expiration of the prior members' terms. The member of the authority appointed by the City of Acworth, Georgia, serving on the effective date of this subsection shall serve until August 14, 2006, and until the member of the authority appointed by the governing authority of Smyrna is appointed and qualified.

(d) The authority shall elect one of its members as chairperson and another as vice chairperson. The authority may also select a secretary and treasurer who need not necessarily be members of the authority. Except as otherwise provided in subsection (c) of this section, five members of the authority shall constitute a quorum. No vacancy on the authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the authority."

SECTION 2.

Said Act is further amended by striking subsection (a) of Section 2A thereof and inserting in its place the following:

"(a) In the event of a vacancy in the membership of the authority by reason of death, resignation, or disability, said vacancy shall be filled by the governing authority, chairperson of the governing authority or the chairperson's designee, or caucus which originally selected the vacating member in question."

SECTION 3.

This Act shall become effective on July 1, 2006.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Senator Stoner of the 6th moved that the Senate agree to the House substitute to SB 138.

On the motion, a roll call was taken and the vote was as follows:

Y Adelman	Y Hill,Jack	Smith
Y Balfour	Y Hill,Judson	Y Starr
Brown	E Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
E Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
E Grant	Y Reed	E Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the motion, the yeas were 49, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 138.

Senator Meyer von Bremen of the 12th asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

Senator Rogers of the 21st asked unanimous consent that Senator Stephens of the 27th be excused. The consent was granted, and Senator Stephens was excused.

Senator Carter of the 13th asked unanimous consent that Senator Seabaugh of the 28th be excused. The consent was granted, and Senator Seabaugh was excused.

The Calendar was resumed.

SB 423. By Senators Unterman of the 45th, Mullis of the 53rd and Thomas of the 54th:

A BILL to be entitled an Act to amend Chapter 44 of Title 31 of the Official Code of Georgia Annotated, relating to renal disease facilities, so as to provide a short title; to revise a definition for purposes of conformity; to revise certain provisions relating to the adoption of rules relative to end stage renal disease facilities and personnel thereof; to revise certain provisions relating to minimum standards for curricula, instructors, and training dialysis and reuse technicians; to amend Title 43 of the Official Code of Georgia Annotated, relating to regulation of professions and businesses, so as to add a new Chapter 30A regulating patient care dialysis technicians; to provide for definitions; to provide for licensing requirements for patient care dialysis technicians; to provide for the renewal and reinstatement of licenses; to provide for powers of the Georgia Board of Nursing relating to the regulation of patient care dialysis technicians; to provide for authorized activities of patient care dialysis technicians; to provide for delegation of dialysis care by a registered professional nurse to a patient care dialysis technician; to provide for the use of titles and other indications of licensure; to provide for applications under oath; to provide for the creation, composition, and duties of the Patient Care Dialysis Technician Advisory Council; to provide for disciplinary actions; to provide for violations; to provide for actions to enjoin; to provide for administrative procedures; to revise certain provisions relating to the nonapplicability of Code Section 43-34-177 for purposes of conformity; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate Health and Human Services Committee offered the following substitute to SB 423:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 44 of Title 31 of the Official Code of Georgia Annotated, relating to renal disease facilities, so as to provide a short title; to revise a definition for purposes of conformity; to revise certain provisions relating to the adoption of rules relative to end stage renal disease facilities and personnel thereof; to revise certain provisions relating to minimum standards for curricula, instructors, and training dialysis and reuse technicians; to amend Title 43 of the Official Code of Georgia Annotated, relating to regulation of professions and businesses, so as to add a new Chapter 30A regulating dialysis technicians; to provide for definitions; to provide for certification requirements for dialysis technicians; to provide for the renewal and reinstatement of certificates; to provide for powers of the Georgia Board of Nursing relating to the regulation of dialysis technicians; to provide for authorized activities of dialysis technicians; to provide for delegation of dialysis care by a registered professional nurse to a dialysis technician; to provide for the use of titles and other indications of certification; to provide for

applications under oath; to provide for the creation, composition, and duties of the Dialysis Technician Advisory Council; to provide for disciplinary actions; to provide for violations; to provide for actions to enjoin; to provide for administrative procedures; to revise certain provisions relating to the nonapplicability of Code Section 43-34-177 for purposes of conformity; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Ray Biddy and Gene Mullis Act."

SECTION 2.

Chapter 44 of Title 31 of the Official Code of Georgia Annotated, relating to renal disease facilities, is amended in Code Section 31-44-1, relating to definitions, by striking paragraph (2) and inserting in its place the following:

"(2) 'Dialysis technician' means an individual certificated as a dialysis technician pursuant to Chapter 30A of Title 43 ~~who is not a registered nurse or physician and who provides dialysis care under the supervision of a registered nurse or physician.~~"

SECTION 3.

Such chapter is further amended in Code Section 31-44-3, relating to adoption of rules, council established, and terms of councilmembers, by striking subsection (a) and inserting in its place the following:

"(a) The board shall adopt rules to implement this chapter, including but not limited to requirements for the issuance, renewal, denial, suspension, and revocation of a license to operate an end stage renal disease facility. The rules adopted by the board pursuant to this Code section shall not conflict with the provisions of Chapter 30A of Title 43 or any federal law or regulation applicable to end stage renal disease facilities or personnel thereof and shall set forth minimum standards for the health, safety, and protection of the patient being served."

SECTION 4.

Such chapter is further amended by striking Code Section 31-44-9, relating to minimum standards for curricula, instructors, and training dialysis and reuse technicians, and inserting in its place the following:

"31-44-9.

The rules adopted by the board under Code Section 31-44-3 shall establish:

- (1) Minimum standards for the curricula and instructors used to train individuals to act as ~~dialysis or reuse technicians~~;
- (2) Minimum standards for the determination of the competency of individuals who have been trained as ~~dialysis or reuse technicians~~;

- (3) Minimum requirements for documentation that an individual has been trained and determined to be competent as a ~~dialysis or~~ reuse technician and the acceptance of that documentation by another end stage renal disease facility that may later employ the individual; and
- (4) The acts and practices that are allowed or prohibited for ~~dialysis or~~ reuse technicians."

SECTION 5.

Title 43 of the Official Code of Georgia Annotated, relating to regulation of professions and businesses, is amended by adding a new Chapter 30A to read as follows:

"CHAPTER 30A

43-30A-1.

As used in this chapter, the term:

- (1) 'Applicant' means any person seeking a certificate under this chapter.
- (2) 'Approved dialysis technician training curriculum' means a board approved curriculum used to train dialysis technicians including, but not limited to, a board approved dialysis company or facility-sponsored training curriculum or another state approved curriculum.
- (3) 'Board' means the Georgia Board of Nursing established pursuant to Code Section 43-26-4.
- (4) 'Certificate' means a valid and current certificate of registration issued by the board pursuant to this chapter permitting a person to provide dialysis care as a dialysis technician.
- (5) 'Dialysis care' means performing and monitoring dialysis procedures, including initiating and discontinuing dialysis, drawing blood, and administering medications in accordance with this chapter and with board rules.
- (6) 'Dialysis facility' means an end stage renal disease facility licensed pursuant to Chapter 44 of Title 31.
- (7) 'Dialysis technician' means a person who provides dialysis care.
- (8) 'Dialysis technician trainee' means a person enrolled in an approved dialysis technician training curriculum.
- (9) 'Direct supervision' means initial and ongoing direction, procedural guidance, and observation and evaluation by a registered professional nurse or physician; and when a patient is being dialyzed, the nurse or physician is in the immediate clinical care area.
- (10) 'National certification' means certification as a dialysis technician issued by a nationally recognized accrediting organization such as, but not limited to:
 - (A) Certified Clinical Hemodialysis Technician (CCHT) through the Nephrology Nursing Certification Commission (NNCC);
 - (B) Certified Hemodialysis Technician (CHT) through the Board of Nephrology Examiners Nursing and Technology (BONENT); or
 - (C) Certified Clinical Nephrology Technician (CCNT) or Certified Biomedical

Nephrology Technician (CBNT) through the National Nephrology Certification Organization (NNCO).

(11) 'Person' means a natural person only.

(12) 'Physician' means an individual who is licensed to practice medicine under Article 2 of Chapter 34 of this title.

(13) 'Registered professional nurse' means an individual who is licensed to practice nursing under Article 1 of Chapter 26 of this title.

43-30A-2.

(a) On and after January 1, 2007, no person may provide dialysis care as a dialysis technician in this state who is not licensed pursuant to this chapter. All applicants for a certificate to practice as a dialysis technician shall make application to the board in the form and manner established by the board. Such applicants shall submit to the board a designated fee and written evidence demonstrating that the applicant:

(1) Is of good moral character;

(2) Has attained a high school diploma or a general educational development (GED) diploma or the equivalent thereof;

(3) Has successfully completed an approved dialysis technician training curriculum;

(4) Has achieved national certification as a dialysis technician; and

(5) Has met such other qualifications as required by the board.

(b) An individual who was working on or before July 1, 2006, as a dialysis technician in a dialysis facility and whose administrative registered professional nurse in charge acknowledges that he or she is competent to perform the delegated duties and practices in accordance with the laws regulating the provision of dialysis care, the rules of the board, and any other applicable federal and state laws and regulations shall be considered as having met the requirements of paragraphs (3) and (4) of subsection (a) of this Code section for the purposes of being certified by the board as a dialysis technician.

(c) An individual who has successfully completed an approved dialysis technician training curriculum on or before July 1, 2007, who was working on or before July 1, 2006, as a dialysis technician trainee in a dialysis facility and whose administrative registered professional nurse in charge acknowledges that he or she is competent to perform the delegated duties and practices in accordance with the laws regulating the provision of dialysis care, the rules of the board, and any other applicable federal and state laws and regulations shall be considered as having met the requirements of paragraph (4) of subsection (a) of this Code section for the purposes of being certified by the board as a dialysis technician.

(d) The board may, upon receipt of a completed application and fee, issue a temporary permit to practice as a dialysis technician to an applicant who has completed an approved dialysis technician training curriculum and who meets the qualifications established by the board. A temporary permit shall not be renewable, and shall be effective 90 days from the date of issuance, unless the board revokes the temporary permit prior to its expiration.

(e) The board may, upon receipt of a completed application and fee, issue a temporary endorsement to practice as a patient care dialysis technician to an applicant who has been certified as a dialysis technician under the laws of another state, territory, or foreign country and who meets the qualifications established by the board. A temporary endorsement shall not be renewable and shall be effective for 90 days unless the board revokes the temporary endorsement prior to its expiration.

(f) Application for a certificate under this Code section shall constitute consent for performance of a criminal background check. Each applicant who submits an application to the board for certification agrees to provide the board with any and all information necessary to run a criminal background check, including but not limited to classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of a background check. The board may accept the results of criminal background checks conducted by an applicant's employer if they were conducted within an acceptable period of time and if they include the minimum required checks.

43-30A-3.

(a) Certificates issued under this chapter shall be renewed biennially prior to the expiration of the certificate according to schedules and fees decided by the board.

(b) A certificate shall be renewed for any dialysis technician who remits the required fee and complies with the requirements established by the board. The board shall be authorized to require persons seeking renewal of a certificate to complete board approved continuing education.

(c) The voluntary surrender of a certificate or the failure to renew a certificate by the end of an established renewal period shall have the same effect as revocation of said certificate, subject to reinstatement at the discretion of the board. The board may restore and reissue a certificate, and, as a condition thereof, may impose any disciplinary sanction provided by Code Section 43-1-19 upon such grounds as specified in such Code section.

(d) Any certificate that is not renewed by the end of the renewal period may not thereafter be renewed, and the certificate holder must apply for reinstatement. Applicants for reinstatement who have not been engaged in the active practice of dialysis care as a dialysis technician for a period which exceeds five years shall be required to obtain such additional education and training as provided in the rules and regulations of the board, which may include but not be limited to returning to school for full training and taking the certification examination. Upon completion of the curriculum, an application may be made for certification as a new applicant.

(e) Other criteria for reinstatement may be determined by the rules of the board, including but not limited to the following: additional coursework, a refresher course, supervised clinical practice, or examination by the board.

43-30A-4.

(a) The board shall have the power to:

- (1) Examine and determine the qualifications and fitness of applicants for certification as dialysis technicians in this state;
 - (2) Establish minimum standards for the determination of the competency of individuals who have been trained as dialysis technicians;
 - (3) Establish standards for approving and withdrawing approval of dialysis technician training curricula;
 - (4) Establish minimum standards for the curricula and instructors used to train individuals to act as dialysis technicians in approved dialysis technician training curricula;
 - (5) Issue, renew, refuse to renew, deny, suspend, reinstate, and revoke certificates of dialysis technicians in this state or otherwise discipline dialysis technicians;
 - (6) Determine the acts and practices that are allowed or prohibited for dialysis technicians, in accordance with the provisions of this chapter;
 - (7) Establish continuing education requirements for dialysis technicians which may include any continuing education requirements for national certification;
 - (8) Conduct investigations for the purpose of discovering violations of this chapter or grounds for disciplining persons certificated under this chapter;
 - (9) Hold hearings on all matters pertaining to this chapter properly brought before the board and, in conjunction therewith, to administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may designate one or more of its members as its hearing officer;
 - (10) Adopt rules and regulations consistent with this chapter necessary to enable it to carry into effect the provisions of this chapter, including disciplinary rules;
 - (11) Establish fees pertaining to this chapter; and
 - (12) Bring proceedings to the courts for the enforcement of this chapter or any rules and regulations promulgated pursuant to this chapter.
- (b) In addition to the enumerated powers in subsection (a) of this Code section, the board has the authority to conduct its business pursuant to the provisions of Code Section 43-1-19 which is incorporated herein and made a part of this chapter by specific reference.

43-30A-5.

- (a) A dialysis technician may provide dialysis care when delegated to him or her by a registered professional nurse if:
- (1) The dialysis technician has a valid certificate issued pursuant to this chapter;
 - (2) The registered professional nurse considers the dialysis technician to be competent; and
 - (3) The dialysis technician provides the care under the direct supervision of the registered professional nurse.
- (b) Nothing in this chapter may be construed to prohibit a dialysis technician trainee from performing dialysis care as a part of and within the scope of the clinical skills instruction segment of an approved dialysis technician training curriculum.

43-30A-6.

A dialysis technician is authorized to perform the following activities, under the direct supervision of a registered professional nurse or a physician:

- (1) Preparing and initiating dialysis access sites;
- (2) Initiating, delivering, or discontinuing dialysis care;
- (3) Administering only the following medications:
 - (A) Heparin to prime the pump, initiate treatment, or for administration through treatment in an amount prescribed by a physician or other authorized practitioner; this may be done intravenously, peripherally via a fistula needle, or in another clinically acceptable manner;
 - (B) Normal saline via the dialysis extra corporeal circuit as needed through the dialysis procedure; this may be done intravenously, peripherally via a fistula needle, or in another clinically acceptable manner; and
 - (C) Intradermal anesthetic in an amount prescribed by a physician or other authorized practitioner;
- (4) Obtaining a blood specimen via the dialysis extra corporeal circuit or a peripheral access site;
- (5) Reporting changes that arise in conjunction with dialysis care to the registered professional nurse or physician; and
- (6) Engaging in other acts as delegated by the registered professional nurse or physician in order to provide dialysis care.

43-30A-7.

(a) An individual licensed by the board as a dialysis technician pursuant to the provisions of this chapter shall be known as a dialysis technician and may use the initials 'D.T.' after his or her name. On and after July 1, 2006, no other individual may use the title, abbreviation, or any other words, letters, figures, signs, or devices to indicate that he or she is a dialysis technician in this state.

(b) An individual enrolled in an approved dialysis technician training curriculum shall be known as a dialysis technician trainee. A dialysis technician trainee shall adhere to the rules and regulations of the board for dialysis technicians and is subject to disciplinary action by the board as provided by board rules.

43-30A-8.

The board may require that all applications be made under oath.

43-30A-9.

(a) There is created the Dialysis Technician Advisory Council, which shall advise the board on issues relating to the qualifications, standards for training, competency determination of dialysis technicians, and all other matters relating to dialysis technicians.

(b) The council shall be appointed by the board and shall consist of eight members as follows:

- (1) One member of the board, who shall serve as chairperson of the council;
 - (2) Two dialysis technicians;
 - (3) Two registered professional nurses who regularly provide dialysis care and care for patients who receive dialysis;
 - (4) One physician who regularly treats patients receiving dialysis care; and
 - (5) Two dialysis or kidney transplant patients.
- (c) The board shall specify the length of terms of the members.
- (d) Members of the council shall be reimbursed for expenses and travel as provided for members of various professional licensing boards in subsection (f) of Code Section 43-1-2.

43-30A-10.

The investigatory and disciplinary authority of the board shall be as provided in Code Section 43-1-19.

43-30A-11.

- (a) It shall be unlawful for any individual, firm, corporation, facility, or association to:
- (1) Sell or fraudulently obtain or furnish any national certification credential or documentation of successful completion of an approved dialysis technician training curriculum or aid or abet therein;
 - (2) Perform services as a dialysis technician unless authorized by the provisions of this chapter;
 - (3) Use in connection with his or her name any designation tending to imply that he or she is a dialysis technician unless authorized by the provisions of this chapter; or
 - (4) Otherwise violate any provision of this chapter.
- (b) Any person who violates this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not less than \$500.00 or more than \$1,000.00.
- (c) Each act of unlawful practice under this Code section shall constitute a distinct and separate offense.

43-30A-12.

- (a) The practice of dialysis care is declared to be an activity affecting the public interest and involving the health, safety, and welfare of the public. Such practice by a person who is not certificated to practice in this state is declared to be a public nuisance, harmful to the public health, safety, and welfare.
- (b) Any citizen of this state, the board, or the appropriate prosecuting attorney where such practice is carried out by such uncertificated person may, on behalf of the public, bring an action to restrain and enjoin such uncertificated practice in the superior court of the county where such uncertificated person resides or works. It shall not be necessary in order to obtain an injunction under this Code section to allege or prove that there is no adequate remedy at law or to allege or prove any special injury.
- (c) The remedy provided for in this Code section shall be cumulative to, and not in lieu

of, any other remedy or penalty provided in this chapter or otherwise provided by law.

43-30A-13.

Proceedings under this chapter shall be governed by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

SECTION 6.

Said title is further amended in Code Section 43-34-178, relating to the nonapplicability of Code Section 43-34-177, by striking paragraph (6) of subsection (a) and inserting in its place the following:

"(6) A person working as a dialysis ~~care~~ technician in an end stage renal disease facility licensed pursuant to Chapter 44 of Title 31 or a licensed hospital."

SECTION 7.

This Act shall become effective on July 1, 2006.

SECTION 8.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 42, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	E Hooks	Y Staton
Y Bulloch	Y Hudgens	E Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
E Fort	Y Mullis	E Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
E Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles

Y Harp
Y Heath
Y Henson

E Seabaugh
Y Seay
Y Shafer,D

Y Williams
Y Zamarripa

On the passage of the bill, the yeas were 50, nays 0.

SB 423, having received the requisite constitutional majority, was passed by substitute.

SB 370. By Senators Goggans of the 7th, Kemp of the 46th, Bulloch of the 11th, Tolleson of the 20th, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special license plate promoting agriculture in Georgia; to provide for issuance, renewal, fees, licensing agreements, applications, donation of revenue, and transfers relative to such special license plates; to provide for related matters; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman
Y Balfour
Y Brown
Y Bulloch
Y Butler
Y Cagle
Y Carter
Y Chance
Y Chapman
Y Douglas
E Fort
Y Goggans
Y Golden
E Grant
Y Hamrick
Y Harbison

Y Hill,Jack
Hill,Judson
E Hooks
Y Hudgens
Y Johnson
Y Jones
Y Kemp
Y Me V Bremen
Y Miles
Y Moody
Y Mullis
Y Pearson
Y Powell
Y Reed
Y Rogers
Y Schaefer

Y Smith
Y Starr
Y Staton
E Stephens
Y Stoner
Y Tarver
Y Tate
Y Thomas,D
Y Thomas,R
Y Thompson,C
E Thompson,S
Y Tolleson
Y Unterman
Y Weber
Y Whitehead
Y Wiles

Y Harp
Y Heath
Henson

E Seabaugh
Seay
Y Shafer,D

Y Williams
Y Zamarripa

On the passage of the bill, the yeas were 47, nays 0.

SB 370, having received the requisite constitutional majority, was passed.

Senator Carter of the 13th asked unanimous consent that Senator Chance of the 16th be excused. The consent was granted, and Senator Chance was excused.

Senator Pearson of the 51st asked unanimous consent that Senator Balfour of the 9th be excused. The consent was granted, and Senator Balfour was excused.

SB 515. By Senators Moody of the 56th, Weber of the 40th, Douglas of the 17th, Starr of the 44th and Thomas of the 54th:

A BILL to be entitled an Act to amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs under the "Quality Basic Education Act," so as to expand the grades of eligibility for the remedial education program; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Education and Youth Committee offered the following substitute to SB 515:

A BILL TO BE ENTITLED
AN ACT

To amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to change certain provisions relating to the remedial education program; to change certain provisions relating to determination of enrollment by institutional program and determination of funds to be appropriated; to change certain provisions relating to equalization grants; to revise definitions relating to capital outlay funds generally for purposes of conformity; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," is amended by striking subsection (a) of Code Section 20-2-154, relating to the remedial education program, and inserting in lieu thereof the following:

"(a) All children and youth who are eligible for a general and career education program under Code Section 20-2-151 and who are also eligible under the criteria specified in this Code section shall be provided, in accordance with policies adopted by the State Board of Education, the remedial education program services needed to address their respective reading, mathematics, or writing deficiencies. The following students shall be eligible for remedial education services:

(1) Students in grades ~~nine~~ six through 12 may be eligible for services if they meet two or more of the following criteria:

(A) The student has been through the formal student support team process and has documented evidence to support the placement in remedial education;

(B) The student has been retained in the grade;

(C) The student is receiving services under Part A of Chapter 1 of Title 1 of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994 (Public Law 103-382);

(D) The student has been recommended by the teacher who has documented any of the following student information:

(i) Low performance in the reading series system;

(ii) Low performance in the mathematics series; or

(iii) The student is unable to verbally express ideas and cannot write or dictate a meaningful sentence; or

(E) Current test information in the student file indicates the student has a score at or below the twenty-fifth percentile; and

(2) Students in grades ~~nine~~ six through 12 who are receiving services under the special education program as authorized by Code Section 20-2-152 and whose Individualized Education Programs (IEP's) specify that they meet the eligibility requirements specified in paragraph (1) of this subsection and that their special education program is not designed to address their respective reading, mathematics, or writing deficiencies.

No more than 25 percent of the full-time equivalent population in eligible grades as specified in paragraphs (1) and (2) of this subsection shall be eligible for the remedial program; provided, however, that the State Board of Education may develop regulations whereby a higher percentage may be eligible if the percentage of students receiving free and reduced price lunches exceeds 50 percent."

SECTION 2.

Said article is further amended by striking Code Section 20-2-160, relating to determination of enrollment by institutional program and determination of funds to be appropriated, and inserting in lieu thereof the following:

"20-2-160.

(a) The State Board of Education shall designate the specific dates upon which two counts of students enrolled in each instructional program authorized under this article shall be made each school year and by which the counts shall be reported to the Department of Education. The initial enrollment count shall be made after October 1

but prior to November 17 and the final enrollment count after March 1 but prior to May 1. The report shall indicate the student's specific assigned program for each one-sixth segment of the school day on the designated reporting date. No program shall be indicated for a student for any one-sixth segment of the school day that the student is assigned to a study hall; a noncredit course; a course recognized under this article or by state board policy as an enrichment course, except a driver education course; a course which requires participation in an extracurricular activity for which enrollment is on a competitive basis; a course in which the student serves as a student assistant to a teacher, in a school office, or in the media center, except when such placement is an approved work site of a recognized career or vocational program; an individual study course for which no outline of course objectives is prepared in writing prior to the beginning of the course; a course taken through the Georgia Virtual School pursuant to Code Section 20-2-319.1; or any other course or activity so designated by the state board. For the purpose of this Code section, the term 'enrichment course' means a course which does not dedicate a major portion of the class time toward the development and enhancement of one or more student competencies as adopted by the state board under Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the school day for which the student is not enrolled in an instructional program or has not attended a class or classes within the preceding ten days; nor shall a program be indicated for a student for any one-sixth segment of the school day for which the student is charged tuition or fees or is required to provide materials or equipment beyond those authorized pursuant to Code Section 20-2-133. A student who is enrolled in an eligible institution under the program established in Code Section 20-2-161.1 may be counted for the high school program for only that portion of the day that the student is attending the high school for those segments that are eligible to be counted under this subsection. The state board shall adopt such regulations and criteria as necessary to ensure objective and true counts of students in state approved instructional programs. The state board shall also establish criteria by which students shall be counted as resident or nonresident students, including specific circumstances which may include, but not be limited to, students attending another local school system under court order or under the terms of a contract between two local school systems. If a local school system has a justifiable reason, it may seek authority from the state board to shift full-time equivalent program counts from the designated date to a requested alternate date.

(b) The full-time equivalent (FTE) program count for each local school system shall be obtained in the following manner:

(1) Count the number of one-sixth segments of the school day for which each student is enrolled in each program authorized under Code Section 20-2-161; and

(2) Divide the total number of segments counted for each program by six. The result is the full-time equivalent program count for each respective state recognized program.

(c) For the purpose of initially determining the amount of funds to be appropriated to finance each respective program for the ensuing fiscal year, a projection of the second

full-time equivalent program count shall be calculated as follows:

- (1) Divide the first total full-time equivalent count for the current fiscal year by the first total full-time equivalent count for the immediately preceding fiscal year;
 - (2) Multiply the quotient obtained in paragraph (1) of this subsection by the second total full-time equivalent count for the immediately preceding fiscal year. The result shall be the projected second total full-time equivalent count for the current fiscal year;
 - (3) Divide the average of the local school system's two most recent full-time equivalent program counts by the average of the two most recent total full-time equivalent counts; and
 - (4) Multiply the quotient obtained in paragraph (3) of this subsection by the product obtained in paragraph (2) of this subsection. The result shall be the projected second full-time equivalent program count for the current fiscal year.
- (d) The average of the first full-time equivalent program count, weighted two parts, and the projected second full-time equivalent program count, weighted one part, shall be used to initially determine the funds needed to finance the program for the ensuing fiscal year.
- ~~(e) For purposes of calculating allotments for the instructional programs identified in paragraphs (2), (4), (6), (8), and (19) of subsection (b) of Code Section 20-2-161, for which the full-time equivalent program counts provided for in subsections (a) through (d) of this Code section do not exist, the most recent full-time equivalent program count shall be used until such time as the full-time equivalent program counts provided for in subsections (a) through (d) of this Code section do exist.~~
- ~~(f)~~(e) The allotments for the alternative education program shall be calculated as provided in subsection (h) of Code Section 20-2-154.1."

SECTION 3.

Said article is further amended by striking Code Section 20-2-165, relating to equalization grants, and inserting in lieu thereof the following:

"20-2-165.

(a) As used in this Code section, the term:

- (1) 'Assessed valuation' is defined as 40 percent of the equalized adjusted property tax digest reduced by the amount calculated pursuant to subsection (g) of Code Section 20-2-164.
- (2) 'Assessed valuation per weighted full-time equivalent count' is defined as the assessed valuation for the most recent year available divided by the weighted full-time equivalent count for the year of the digest.
- ~~(3) 'Average weighted full-time equivalent count' is defined as the first count of a fiscal year weighted two parts and the second count weighted one part.~~
- ~~(4)~~(3) 'Effective millage rate' is defined as local tax revenues divided by the assessed valuation and multiplied by 1,000; provided, however, that if the amount of local tax revenues is subsequently adjusted as a result of an audit of a local school system's annual financial report, the increase or decrease in local tax revenues resulting from

the audit shall cause an adjustment to be made in the effective millage rate that was calculated initially. Any net change in the amount of equalization dollars earned as a result of such adjustment shall be applied to the amount of the local school system's equalization grant in a subsequent fiscal year.

~~(5)~~(4) 'Eligible full-time equivalent program count' is defined as the sum of the full-time equivalent resident student count and full-time equivalent nonresident student count pursuant to subsection ~~(b)~~ (d) of Code Section 20-2-160 for each program specified pursuant to subsection (b) of Code Section 20-2-161; provided, however, that each local school system's total full-time equivalent nonresident student count for all programs except ~~handicapped~~ programs for persons with disabilities shall not exceed the lesser of the count for fiscal year 2000 or the count for any ensuing fiscal year, unless the local school system serves under contract all of the students in one or more grade levels from an adjoining system or unless the system serves students from an adjoining system under court order.

~~(6)~~(5) 'Equalized adjusted property tax digest' is defined as the most recent equalized adjusted property tax digest furnished to the State Board of Education pursuant to paragraph (1) of subsection (c) of Code Section 20-2-164.

~~(7)~~(6) 'Guaranteed valuation school system' is defined as the local school system ranking at the seventy-fifth percentile in dollars of assessed valuation per weighted full-time equivalent count, where the ranking of school systems is such that the one-hundredth percentile school system is that with the highest amount in dollars of assessed valuation per weighted full-time equivalent count. For the purpose of determining the assessed valuation per weighted full-time equivalent count of the guaranteed valuation school system only, a reduction of the assessed valuation for exemptions authorized by Code Sections 48-5-44 and 48-5-48 shall be calculated whether such exemptions are granted or not granted by the guaranteed valuation school system.

~~(8)~~(7) 'Local tax revenues' is defined as the sum of tax revenues for a local school system as furnished to the Department of Education by the school system in its annual financial report, reduced by the total amount of general funds expended for capital outlay or transferred into an escrow account for capital outlay purposes for the most recent fiscal year such data are available and increased by any federal funds designed to replace local tax revenues provided to the said system; provided, however, that the local school system has furnished the state board with acceptable documentation which clearly identifies the source or sources of such federal funds.

~~(9)~~(8) 'Most recent ~~average~~ weighted full-time equivalent count' is defined as the ~~average of the two most recent~~ weighted full-time equivalent ~~counts~~ count derived from full-time equivalent program count data obtained for the purpose of determining the funds initially needed to finance the Quality Basic Education Formula pursuant to subsection (d) of Code Section 20-2-160 for the next ensuing fiscal year.

~~(10)~~(9) 'Qualified local school system' is defined as any local school system having an assessed valuation per weighted full-time equivalent count for the year of the digest ranking below the guaranteed valuation school system and having an effective

millage rate greater than the millage rate applied to calculate the local five mill share pursuant to subsection (a) of Code Section 20-2-164.

~~(11)~~(10) 'Weighted full-time equivalent count' is defined as the sum of all eligible full-time equivalent program counts multiplied by their respective program weights in effect during the fiscal year that the full-time equivalent program counts were obtained pursuant to Code Section 20-2-161.

~~(12)~~(11) 'Weighted full-time equivalent count for the year of the digest' is defined as the ~~average of the two weighted full-time equivalent counts taken during that fiscal year beginning during the year of the digest~~ count derived from full-time equivalent program count data obtained for the purpose of determining the funds initially needed to finance the Quality Basic Education Formula pursuant to subsection (d) of Code Section 20-2-160 for the current fiscal year.

(b) The State Board of Education shall annually calculate the equalization grant for each qualified local school system in the following manner:

(1) Subtract the assessed valuation per weighted full-time equivalent count for the local school system from the assessed valuation per weighted full-time equivalent count for the guaranteed valuation school system;

(2) Divide the difference resulting from paragraph (1) of this subsection by 1,000;

(3) Subtract five from the effective millage rate for the local school system and use the resulting number of effective mills or 15 effective mills, whichever is less, as the number of effective mills to be equalized;

(4) Multiply the quotient resulting from paragraph (2) of this subsection by the number of effective mills to be equalized pursuant to paragraph (3) of this subsection; and

(5) Multiply the product resulting from paragraph (4) of this subsection by the most recent ~~average~~ weighted full-time equivalent count for the local school system; and

~~(6)~~ The resulting amount, ~~calculation amount A~~, shall be the equalization grant for the ensuing fiscal year; provided, however, that ~~for fiscal year 2001 the amount shall be adjusted by calculating a second amount, calculation amount B, under subsection (b) of this Code section by replacing the seventy fifth percentile school system with the ninetieth percentile school system for the guaranteed valuation school system and subtracting five from the effective mills and using the resulting number of effective mills or 3.25 effective mills, whichever is less, as the number of effective mills to be equalized, and subtracting the resulting amount from calculation amount A and multiplying the resulting amount by .25 and adding that amount to calculation amount B; provided, further, that for each local school system which serves under contract all of the students in one or more grade levels from an adjoining system and for each local school system which sends under contract all of the students in one or more grade levels to an adjoining system, the equalization grant shall be recalculated~~ calculated to represent the amount that would be earned if the students transferred under said contract were included in the full-time equivalent counts of the local school system in which they reside; provided, further, that any ~~recalculated~~ equalization grant to be earned by a local school system sending students to another

system under the provisions of such a contract shall be reduced by an amount which represents the equalization funds earned per weighted full-time equivalent student multiplied by the total weighted full-time equivalent count for students transferred, and any ~~recalculated~~ equalization grant to be earned by the local school system receiving students under said contract shall be increased by the same amount. ~~The amounts so recalculated shall be the equalization grants for such local school systems. The recalculations shall occur after the assessed valuation per weighted full time equivalent of the guaranteed valuation school system has been calculated and shall not affect the calculation of the assessed valuation per weighted full time equivalent of the guaranteed valuation school system.~~

(c) The State Board of Education shall allocate respectively the amount calculated under subsection (b) of this Code section to each qualified local school system. For the first effective year of the merger of any two or more local school systems, the equalization grant shall be the addition of amounts which would have been separately earned by the systems participating in the merger or the amount which would have been earned if the systems had already been merged during the year of the applicable digest, whichever is greater. No portion of local five mill share shall be applied to such equalization grants. In the event sufficient funds are not appropriated in a fiscal year to the state board to allot the full amount of equalization grants calculated to be payable to qualified local school systems as provided in this Code section, the state board shall proportionately reduce the amount of funds to be allocated to qualified local school systems.

~~(d) The amount of funds appropriated each year under this Code section, for a period not to exceed five years beginning with fiscal year 2002, may be adjusted to allow local school systems that are losing funds due to a change from the ninetieth percentile guaranteed valuation school system to the seventy fifth percentile guaranteed valuation school system sufficient time to adjust their local programs.~~

~~(e)~~(d)(1) ~~Beginning with Fiscal Year 2002, a~~ A midterm adjustment in a local school system's equalization grant shall be made if:

(A) The school system ranks at or below the seventy-fifth percentile in dollars of assessed valuation per weighted full-time equivalent ~~student~~ count, where the ranking of school systems is such that the one-hundredth percentile school system is that with the highest amount in dollars of assessed valuation per weighted full-time equivalent ~~student~~ count; and

(B) The school system increases the actual millage levied against its digest for maintenance and operation.

(2) If made, the midterm adjustment to the equalization grant shall be calculated as follows:

(A) Calculate the percentage change in the actual millage rate for a school system by subtracting the actual millage rate for the prior year from the actual millage rate for the current year and dividing by the actual millage rate for the prior year; provided, however, that for local school systems that impose local option sales taxes for school maintenance and operation, as authorized by law, the Department of

Education shall be authorized to adjust this calculation by adding the equivalent property tax millage that would be needed to produce the revenue raised by the local option sales tax to the actual millage rate and calculating a revised percentage change;

(B) If the result from subparagraph (A) of this paragraph is a positive number, multiply the number of effective mills calculated as part of the original equalization grant calculation for a given year by the percentage increase calculated in subparagraph (A) of this paragraph. Add the product of this calculation to the effective number of mills from the original equalization grant calculation as described in subsections (a) through ~~(d)~~(c) of this Code section;

(C) Recalculate the equalization grant substituting the revised number of effective mills calculated in subparagraph (B) of this paragraph; and

(D) Subtract the initial equalization grant amount from the amount calculated in subparagraph (C) of this paragraph.

The resulting amount shall be the midterm adjustment to the equalization grant.

(e) If the result from subparagraph (A) of paragraph (2) of subsection (d) of this Code section is a positive number, the local school system's number of effective mills used in the calculation of its equalization grant for the ensuing fiscal year shall be adjusted by multiplying the number of effective mills calculated pursuant to paragraph (3) of subsection (b) of this Code section by the percentage increase calculated in subparagraph (A) of paragraph (2) of subsection (d) of this Code section. The resulting amount shall be the adjusted number of effective mills used in the calculation of the equalization grant pursuant to paragraph (3) of subsection (b) of this Code section; provided, however, that in no event shall the adjusted number of effective mills to be equalized exceed 15 effective mills. For Fiscal Year 2006 only, adjustments to equalization grants as provided in this subsection shall be allocated to local school systems following the adoption of the amended Appropriations Act for Fiscal Year 2006."

SECTION 4.

Said article is further amended by in Code Section 20-2-260, relating to capital outlay funds generally, by striking paragraphs (8) and (17) of subsection (b) and inserting in their respective places the following:

"(8) 'Full-time equivalent student count' is defined as the average of the two full-time equivalent counts pursuant to subsection (d) of Code Section 20-2-160 for a school year."

"(17) 'Weighted full-time equivalent student count' is defined as the average most recent weighted full-time equivalent count as defined in paragraph ~~(3)~~(8) of subsection (a) of Code Section 20-2-165."

SECTION 5.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 36, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
E Balfour	Y Hill,Judson	Y Starr
Y Brown	E Hooks	Y Staton
Y Bulloch	Y Hudgens	E Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Tate
E Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Douglas	Y Moody	Y Thompson,C
E Fort	Y Mullis	E Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
E Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	E Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 46, nays 0.

SB 515, having received the requisite constitutional majority, was passed by substitute.

The following communication was received by the Secretary:

Senator Horacena Tate
District 38
110 State Capitol
Atlanta, GA 30334

Committees:

Appropriations
Health and Human Services
Retirement
State and Local Governmental Operations

The State Senate
Atlanta, Georgia 30334

3/1/06

Please show a yes vote for me on SB 515.

/s/ Horacena Tate
District 38

Senator Williams of the 19th moved that the Senate adjourn until 9:00 a.m. Thursday, March 2, 2006.

The motion prevailed, and the President announced the Senate adjourned at 12:38 p.m.